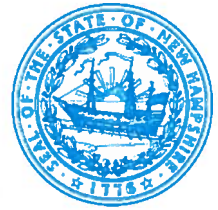




The State of New Hampshire
Department of Environmental Services



Clark B. Freise, Assistant Commissioner

February 8, 2017

The Honorable Steven Smith
Chair, House Transportation Committee
Legislative Office Building, Room 203
Concord, NH 03301

Re: HB 454 – An Act repealing on-board diagnostic and emissions tests for motor vehicles

Dear Chair Smith and Members of the Committee:

Thank you for the opportunity to comment on behalf of the New Hampshire Department of Environmental Services (NHDES) regarding House Bill 454, repealing on-board diagnostic (OBD) and emissions tests for motor vehicles. NHDES opposes this bill.

Motor vehicles account for about half of the air pollution that causes the formation of ground level ozone, a respiratory irritant that is the primary ingredient in smog. OBD technology is a federally required system on all 1996 and newer light-duty vehicles that detects malfunctions of engine or emissions components that the manufacturer has determined will result in emissions of at least one and a half times the emissions standard to which the vehicle was certified. When the OBD system detects a malfunction it illuminates the “check engine” light on the vehicle dashboard to notify the motorist that an emissions related problem needs attention. The OBD system helps keep vehicles operating virtually as clean as they were when they came out of the factory. All Northeast states, as well as 33 states nationally, have incorporated OBD checks into their motor vehicle inspection and maintenance (I/M) programs. New Hampshire’s vehicle emissions inspection program is the result of over ten years of legislative deliberation and state agency planning intended to reduce emissions from mobile sources and comply with Clean Air Act (CAA) requirements. In 2005, House Bill 573 created the OBD Advisory Committee (RSA 266:59-b VII) whose purpose is to periodically review the OBD vehicle inspection program and make recommendations for contractual, legislative and/or administrative changes. To date, this body has not recommended significant revisions to, or repeal of, the OBD inspection program.

New Hampshire is required by the CAA to have a vehicle emissions inspection program due to having been designated as “nonattainment” pursuant to the National Ambient Air Quality Standards (NAAQS) for ground level ozone, a pollutant that irritates the lungs and exacerbates respiratory conditions such as asthma. As a result of this designation, the CAA obligated New Hampshire to undertake a suite of measures intended to reduce emissions that contribute to the state’s nonattainment status, including a vehicle inspection and maintenance program to reduce vehicle emissions. In addition, the CAA sets out specific ozone control requirements for a group of mid-Atlantic and Northeast states, including New Hampshire, that comprise the

Ozone Transport Region (OTR) in recognition of the fact that emissions from states in this region impact the ability of other states in the OTR to achieve compliance with the ozone NAAQS. Although in 2012, New Hampshire was re-designated to attainment with the ozone NAAQS, we continue to have several unhealthy air quality days due to ozone each year (five in 2016). Under CAA anti-backsliding provisions states must continue programs implemented to achieve attainment with the standards in order to ensure continued compliance.

Under the CAA states must submit a State Implementation Plan (SIP) to the Environmental Protection Agency (EPA) outlining programs that will be implemented to keep states in compliance with air quality standards, including authorizing statutes and state administrative rules implementing the program. New Hampshire's vehicle inspection program statutes¹ and administrative rules² are a part of our federally approved SIP. Any revisions to the SIP, including revisions to statutes and regulations adopted into the SIP, necessitate EPA approval prior to implementation. Failure to obtain such approval could subject the state to federal sanctions pursuant to the CAA. New Hampshire's inspection program SIP, approved in January 2013, was the result of extensive negotiations with the EPA to implement a program less stringent than required under the CAA. This program has helped to improve the state's air quality and protect our pristine environment, which is the backbone of the State's tourism industry.

Thank you again for the opportunity to comment on HB 454. If you have any questions or require further information, please contact either Craig A. Wright, Director, Air Resources Division (271-1088, craig.wright@des.nh.gov) or Rebecca Ohler, Administrator, Technical Services Bureau (271-6749, rebecca.ohler@des.nh.gov).

Sincerely,

Clark B. Freise
Assistant Commissioner

cc: HB 454 sponsors: Representatives Moore, Wallace, Beaudoin, Costable, Hynes, Spillane, Dyer, Freeman, French

¹ <http://www.gencourt.state.nh.us/rsa/html/XXI/266/266-59-b.htm>

² http://www.gencourt.state.nh.us/rules/state_agencies/saf-c3200.html